IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

LETISHEA WAGGONNER,)	
Plaintiff,)))	NO. 3:09-00198 JUDGE HAYNES
v.)	
AT&T, INCORPORATED and FRANK MAYBERRY, an individual,)))	
Defendants.)	

Before the Court is the Defendant Frank Mayberry's motion to dismiss (Docket Entry No. 6), contending that Plaintiff's state law battery claim is time-barred and that Plaintiff cannot seek individual liability under Title VII. 42 U.S.C. § 2000e, et seq. Wathen v. GE, 115 F.3d 400, 405 (6th Cir. 1997). ("We now hold that an individual employee/supervisor, who does not otherwise qualify as an 'employer,' may not be held personally liable under Title VII.")

ORDER

Based upon <u>Wathen</u>, Plaintiff's Title VII claim against Defendant Mayberry is **DISMISSED** and to that extent, Defendant Mayberry's motion to dismiss is **GRANTED**. The

Court **DECLINES** to exercise the Court's supplemental jurisdiction over Plaintiff's state law

claim that is **DISMISSED** without prejudice to be pursued in the state court.

It is so **ORDERED**.

ENTERED this the ______ day of September, 2009.

WILLIAM J. HAYNES JR.
United States District Judge